

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of Utah

CENTRAL Division

FILED US District Court-UT
MAY 03 '22 PM04:22

JONES, OSCAR

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

see attachment: "DEFENDANTS"

Jury Trial: (check one) ☒ Yes ☐ No

Case: 2:22-cv-00302

Assigned To : Pead, Dustin B.

Assign. Date : 5/3/2022

Description: Jones v. Cottonwood
Heights Police Department et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	OSCAR BIGELOW JONES		
Address	1801 CHESTNUT PL		
	DENVER	CO	80202
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	DENVER		
Telephone Number	801-809-3009		
E-Mail Address	oscarjonesslc@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	COTTONWOOD HEIGHTS POLICE DEPARTMENT		
Job or Title <i>(if known)</i>	POLICE DEPARTMENT		
Address	2277 BENGAL BLVD		
	COTTONWOOD HEIGHTS	UT	84121
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	SALT LAKE COUNTY		
Telephone Number	(801) 944-7100		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	ZEPHANI HUANG		
Job or Title <i>(if known)</i>	POLICE OFFICER		
Address	UNKNOWN		
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

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Defendant No. 3

Name

NAME UNKNOWN (see attachment: "DEFENDANTS")

Job or Title *(if known)*

POLICE OFFICER

Address

UNKNOWN

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)*☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Job or Title *(if known)*

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)*☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
FOURTH AMENDMENT TO UNITED STATES CONSTITUTION

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendants conspired to form a pretextual justification for arresting plaintiff, thus acting under color of law to willfully deprive plaintiff of his rights to be secure in his person, ... papers, and effects against unreasonable searches and seizures.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
In plaintiff's own rented area, to wit: the basement of 8450 Splendor Way, Salt Lake City, UT, 84121.
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
On 05/05/2021 between approximately 3pm and 5pm
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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
see attachment: "NARRATIVE"
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Extreme humiliation, embarrassment, emotional distress, loss of enjoyment of life/consortium incident to illegal, unlawful, and unconstitutional search and arrest. Damage to professional reputation and career opportunities as a result of jail booking record.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Money damages:\$6,000 reimbursement for initial retainer paid to hire criminal defense attorney
\$10 reimbursement for cash taken out of my wallet by jail staff and returned in the form of a payment card that was not practically usable (and was quickly reduced to a \$0 balance from monthly fees).

Compensation for lost time: my most recent full-time employer salaried me at \$135,000 per year, plus guaranteed bonus in the amount of \$30,000. Assuming 50 work weeks of 40 hours each, this puts a market value on my time of \$82.50/hour. I lost approximately 20 hours from the time of the officer arresting me to the time I was released from jail, plus approximately 48 hours of lost work-time as a result of having a temporary order from a judge that prevented me from entering my lawful residence where all my possessions (including my office) were located, plus approximately 40 hours of self-research related to my rights surrounding this incident, plus approximately 30 hours defending myself from criminal charges and consulting with a lawyer, for a total of 118 lost hours of time. At \$82.50/hour, I am asking for an award of \$9,735 from CWHPD as compensation for lost time.

I am asking for \$157,450 from CWHPD in the way of punitive damages to deter future instances of the kind of misconduct outlined in this complaint, which is 10x the total above amount (\$15,745). I also request an award from DEF #2 and DEF #3 in their individual capacity in the amount of what they would each respectively earn for 59 hours of lost time, which splits the amount of time that I lost as a result of their misconduct and fraudulent actions.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/03/2022

Signature of Plaintiff



Printed Name of Plaintiff

Oscar Jones

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address